United Nations A/C.3/58/SR.48

General Assembly
Fifty-eighth session
Official Records

Distr.: General
25 May 2004
English
Original: French

Third Committee

Summary record of the 48th meeting
Held at Headquarters, New York, on Monday, 17 November 2003, at 3 p.m.

Chairman: Mr. Belinga-Eboutou ..... (Cameroon)
later: Ms. Londoño (Vice-Chairperson) ..... (Slovakia)

Contents

Agenda item 106: Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (*continued*)

Agenda item 117: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fumdamental freedoms

(c) Human rights situations and reports of special rapporteurs and representatives

(e) Report of the United Nations High Commissioner for Human Rights

Agenda item 112. Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

03-61529 (E)

The meeting was called to order at 3.15 p.m.

Agenda item 106: Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (*continued*) (A/C.3/58/L.48)

Draft resolution A/C.3/58/L.48: Preparations for the observance of the tenth anniversary of the International Year of the Family in 2004

1. **Ms. Elisha** (Benin) introduced draft resolution A/C.3/58/L.48, containing amendments to draft resolution A/C.3/58/L.2, on behalf of the sponsors, subsequently joined by Angola, the United States of America and Gambia. She also proposed inserting the following paragraph between paragraphs 2 and 3 of the new operative part: "Welcomes the decision of Qatar to host an international conference to celebrate the tenth anniversary of the International Year of the Family in November 2004"; and replacing, in paragraph 3 of the new operative part, the word "Welcomes" with the words "Welcomes moreover". Lastly, she pointed out that the last paragraph of draft resolution L.48 replaced the last paragraph of draft resolution L.2. After thanking the co-sponsors of the new draft resolution, she urged the delegations to adopt it by consensus.

2. The **Chairman** was pleased that the delegations had decided to adopt the draft resolution by consensus and urged them to reserve the same treatment to all of the remaining draft resolutions. He announced that the Comoros, Sierra Leone, South Africa and Thailand had become co-sponsors of draft resolution A/C.3/58/L.48, as revised.

Agenda item 117: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (A/58/118, A/58/118/Corr.1, A/58/121, A/58/181, A/58/181/Add.1, A/58/185, A/58/185/Add.1, A/58/185/Add.2, A/58/186, A/58/212, A/58/255, A/58/257, A/58/261, A/58/266, A/58/268, A/58/275, A/58/276, A/58/276/Add.1, A/58/279, A/58/296, A/58/309, A/58/317, A/58/318, A/58/330, A/58/380, A/58/533 and A/C.3/58/9, A/C.3/58/L.46 and A/C.3/58/L.47)

(c) Human rights situations and reports of special rapporteurs and representatives (A/58/127, A/58/218, A/58/219, A/58/325, A/58/334, A/58/338, A/58/379, A/58/393, A/58/421, A/58/427, A/58/448, A/58/534 and A/C.3/58/6)

(e) Report of the United Nations High Commissioner for Human Rights (A/58/36)

Introduction of draft resolutions A/C.3/58/L.46 and A/C.3/58/L.47 under agenda item 117 (b)

Draft resolution A/C.3/58/L.46: Human rights and cultural diversity

3. **Mr. Alaei** (Islamic Republic of Iran) introduced draft resolution A/C.3/58/L.46 on behalf of his country and the following co-sponsors: Afghanistan, Algeria, Azerbaijan, Bahrain, Bangladesh, Benin, Bosnia-Herzegovina, Burkina Faso, Cambodia, Cameroon, China, Congo, Cuba, Democratic Republic of the Congo, Djibouti, Dominican Republic, Egypt, El Salvador, Eritrea, Ethiopia, India, Indonesia, Libyan Arab Jamahiriya, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Myanmar, Oman, Pakistan, Qatar, Syrian Arab Republic, Saudi Arabia, Senegal, Sierra Leone, Sri Lanka, Sudan, Suriname, Thailand, United Arab Emirates, and Vietnam. The purpose of the draft resolution was to raise the international community's awareness of the importance of promoting and respecting human rights and cultural diversity, issues that were fundamental in view of globalization. The draft resolution, similar to the one adopted a year earlier, had undergone a basic revision, consisting in the deletion of new paragraph 4. Moreover, the speaker proposed the following technical amendments in the second preambular paragraph: after "17 December 1999", replacing "and" with a comma; and after "4 December 2000" adding "and 57/204 of 10 February 2003". Lastly, paragraph 16 had been revised to the effect that the resolution would in future be biennial. The speaker urged the other delegations to adopt once again that draft resolution at the current session by consensus.

4. *Ms. Londoño (Colombia), Vice-Chairperson, took the chair.*

5. The **Chairperson** announced that Kazakhstan, Kenya, Nigeria, Turkmenistan and the United Republic of Tanzania had become co-sponsors of draft resolution A/C.3/58/L.46, as revised.

Draft resolution A/C.3/58/L.47: Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

6. **Mr. Cumberbatch** (Cuba) introduced draft resolution A/C.3/58/L.47 on behalf of 42 original co-sponsors, subsequently joined by Benin, Côte d'Ivoire, Haiti, Qatar and Turkmenistan. The speaker urged the other delegations to adopt once again that draft resolution at the current session by consensus.

7. The **Chairperson** announced that Botswana and Malawi had become co-sponsors of draft resolution A/C.3/58/L.47.

Resumption of the general debate

8. **Mrs. Al Haj Ali** (Syrian Arab Republic) said that in recent years consideration for human rights had regressed alarmingly. The phenomenon was attributable to so-called human-rights defenders. Indeed, some States did not respect human rights. Hiding behind deceptive justifications, they even protected the perpetrators of human-rights violations, such as those committed in the Occupied Palestinian Territories.

9. Civil, economic, social and cultural rights protected by the international instruments were interdependent and could be implemented only if all of them were respected. Accordingly, the international community should condemn categorically the application of double standards in the area of human rights, ensure justice and equity and take into consideration the characteristics of the various countries and the particular factors affecting them.

10. The fact that some States believed that it was unnecessary to respect a country's collective rights (in particular, the rights to self-determination, development, independence and freedom from foreign domination) was a potential cause of further human-rights violations. A genuine dialogue, based on mutual respect, consideration for national sovereignty and integrity and non-selectivity, was a prerequisite for international cooperation and full implementation of the Vienna Declaration.

11. The United Nations' role regarding human rights was essential. In the current context, international legitimacy was threatened. The term "terrorism" was employed too vaguely and ambiguously and the fight against terrorism was used to justify various violations and the enactment of laws incompatible with human rights. The United Nations should promote and coordinate a constructive dialogue among States to avert selectivity and the subjection of some nations to concepts that undermined their own characteristics. The human-rights conventions and conferences that aimed at combating racism were essential and the Member States had an obligation to implement all international instruments currently in force.

12. The United Nations organs responsible for human rights must not deviate from their specific mandates, which were based on adopted resolutions, and the United Nations mechanisms in that area should be streamlined to avoid redundancies. While some States deliberately disregarded the international instruments, the United Nations Charter and the Geneva Conventions, avoidance of politicizing the human-rights debate was essential to averting marginalization of the United Nations and exacerbation of tensions among Member States.

13. The Syrian delegation called upon the special rapporteurs to show greater courage, particularly on human-rights issues involving influential States. Human rights were used as a pretext to interfere in the domestic affairs of other countries, contrary to the principles of the Charter, in which the sovereignty and equality of all States were enshrined. Those principles must be respected. Impartiality and equity were necessary when it came to denouncing human rights violations.

13bis. Accordingly, it was necessary to address the problems of racist practices and legislations, ethnic cleansing and collective expulsions; to abstain from distinguishing between, on the one hand, human rights and, on the other hand, social, economic and political rights; and to end the occupation of some countries against all rights, particularly the rights to freedom, expression and development.

14. Lastly, it was necessary to abstain from recourse to military force, coercive measures, undemocratic methods and unilateral sanctions in international relations under such false pretences as combating terrorism or introducing democracy, used by some States to mask their policy of global domination.

15. Regrettably, the terminology used in the report of the United Nations High Commissioner for Human

Rights (A/58/36), particularly the reference to the rights-based approach, had not been previously agreed upon by all Member States, and was not particularly constructive. The transparency of the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967 was laudable. It referred to Israeli violations of both international and Palestinian law, the construction of the wall and the expansion of the illegal colonies. Lastly, the report of the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief concerning the elimination of all forms of religious intolerance (A/58/296) showed that the fight against terrorism was used to pursue socio-economic goals. The common combat against terrorism was fundamental but a distinction should be drawn between terrorism as a crime and the right to resist occupation.

15bis. The Syrian Arab Republic implemented all international instruments and endeavoured, in its Constitution and legislation, to protect social, economic and cultural rights as well as human rights. Its multiparty system and regional and national elections ensured Syrian citizens full enjoyment of their rights.

16. **Mrs. Ataeva** (Turkmenistan) said that, since gaining its independence 12 years earlier, her country had successfully implemented political, economic and social reforms while endeavouring to restore its values and cultural and historical traditions. The State had abolished the death penalty in 2000, ensured all citizens the right to security and dignity, taken exemplary social measures and provided support for the poor. Although further progress was needed, remarkable improvements had been brought about, especially in the area of human rights.

17. Endeavouring to build a democracy based on respect for the person and its inalienable rights, the Turkmen Government deplored that some States, six months after raising the question of human rights in Turkmenistan with the Commission on Human Rights, had brought the same issue before the Third Committee. Turkmenistan had implemented the resolution adopted by the Commission on Human Rights on that earlier occasion and taken specific measures to improve the human-rights situation and strengthen its cooperation with international bodies, in particular the organizations of the United Nations system and the Organization for Security and Cooperation in Europe (OSCE).

18. In support of her affirmations, the speaker cited the visits, in May and October 2003, of Mr. Martti Ahtisaari – personal envoy for Central Asia of the OSCE Chairman in Office – whose recommendations on human rights had been implemented by the Government. Also, discussions between the President of Turkmenistan and several senior officers, including the OSCE High Commissioner on National Minorities, the Under-Secretary-General for Political Affairs and other officers of the Department of Political Affairs of the United Nations had made it possible to tighten the links with those organizations and to undertake joint projects aimed at improving the human-rights situation in the country. Moreover, in November 2003, representatives of the European Commission had visited Ashgabat, where they discussed in particular human-rights-related issues with the President, and as a result a joint meeting of the European Union and Turkmenistan had been scheduled to take place in December 2003. The Government had also invited experts of the Office of the United Nations High Commissioner for Human Rights to visit Turkmenistan officially in order to provide technical assistance, particularly in drawing up reports on the implementation of international human-rights related instruments ratified by Turkmenistan (International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child etc.). That visit, scheduled to take place in January 2004, was expected to strengthen cooperation with the Office of the High Commissioner.

19. All those efforts proved conclusively Turkmenistan's resolve to fully cooperate with all international bodies promoting human rights and to establish a constructive dialogue, particularly with the United Nations system, OSCE and other regional organizations. Contrary to the sponsors of the draft resolution who thought that it would contribute to improving the human-rights situation in Turkmenistan, the Turkmen delegation believed that the resolution would not allow that country to carry out effectively the projects that it had launched in order to promote human rights. Turkmenistan would therefore vote against the draft resolution and urged the other States to do the same.

20. **Mr. Husain** (Organization of the Islamic Conference (OIC)), speaking on agenda item 117 (e) on behalf of the OIC General Secretariat, noted that the comprehensive material in the report of the United Nations High Commissioner for Human Rights (A/58/36) showed that human rights activities were central to achieving the goals of the United Nations, especially in view of problems looming large in the current international situation. While sharing that conclusion, the representative of OIC would like to comment on three particular elements.

21. Paragraph 12 of the report stated that strategies for achieving and maintaining peace and preventing conflict must include mechanisms to promote and protect human rights. For OIC, those mechanisms should not be oblivious to the social, cultural and religious values of the various segments of human society and the values to be espoused should be common to all. The importance attributed to eliminating gender discrimination in paragraph 39 of the report was clearly recognized by OIC, since Islam preserved women's dignity and acknowledged their responsibility and equal rights in the family and in society.

22. Since several OIC Member States had been victims of terrorism, OIC was on the same wavelength with those who considered that phenomenon, referred to in paragraphs 70-71 of the report, as a scourge to the modern world and, in June 1999, had adopted a convention on combating international terrorism. Yet, there existed a fundamental difference between terrorism and struggles for national liberation. Foreign occupants should not be allowed to engage in their oppressive activities fabricating the excuse that they were fighting terrorism. Like an epidemic, terrorism should be routed out and its causes should be studied. OIC had therefore felt it was imperative, and had proposed, to convene an international conference under the auspices of the United Nations in order to define terrorism, as distinct from genuine national liberation struggles, and enable the international community to address its ultimate causes.

23. The Declaration of Human Rights in Islam, adopted in Cairo in 1990 by OIC, stated that all human beings were equal and that no person had superiority over another except on the basis of piety and good deed.

24. OIC intended to continue cooperating with the High Commissioner for Human Rights in the human-rights support tasks that lay ahead.

Agenda item 112. Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (A/C.3/58/L.37/Rev. 1)

25. **Mrs. Mi Nguyen** (Canada) announced that her delegation wished to co-sponsor the resolution entitled "Assistance to refugees, returnees and displaced persons in Africa" (A/C.3/58/L.37/Rev.1).

Statements in exercise of the right of reply

26. **Ms. Zhang** (China), replying to criticism by Australia, Canada, Norway and New Zealand, observed that all those countries were developed economies telling developing countries what to do but keeping silent about the human-rights situation in their territory. That regrettable practice, repeated every year before the Third Committee, did not contribute to the promotion of human rights. China had always considered human rights important and had made undeniable progress in promoting democracy and the rule of law. It therefore categorically rejected the biased accusations levelled at it and was ready to enter on an equal footing into a constructive dialogue with the countries making those accusations.

27. **Mr. Motomura** (Japan), referring to the statements of the representative of the Democratic People's Republic of Korea, noted that the designation "North Korea" was frequently used to refer to the Democratic People's Republic of Korea and had no negative connotation. Regarding Japan's colonial past, the matter had already been addressed in the Pyongyang Declaration made on 17 September 2002 by Japan and the Democratic People's Republic of Korea. Accusations by that country on the basis of unverified figures did not excuse its leaders' failure to address the pending issues in good faith, as they had promised.

28. Regarding claims for compensation and redress, in the same Pyongyang Declaration the leaders of both countries had in principle agreed that all claims related to events prior to 15 August 1945 would be reciprocally dropped when talks on normalizing bilateral relations would reach a satisfactory conclusion.

29. The issue of kidnappings of Japanese nationals by agents of the Democratic People's Republic of Korea was far from resolved. Although the persons kidnapped had been allowed to visit Japan, their situation continued to be inhumane to the extent that they were separated from their spouses and children who had to stay in the Democratic People's Republic of Korea. That State must as soon as possible allow those relatives to leave and provide precise information on the fate of the remaining Japanese nationals kidnapped by its agents. The demands put forward by the Democratic People's Republic of Korea, wishing to compel the five Japanese nationals, whom it had kidnapped and held against their will for more than 20 years, to return to its territory, were absurd. Lastly, with regard to the General Association of Korean Residents in Japan, the rule of law was known to prevail in Japan and searches in the premises of that association had been conducted in conformity with the law subsequent to accusations of embezzlement and had not had any discriminatory intent based on ethnic origin, such discrimination being prohibited by Japanese legislation.

30. **Mr. Sin Song Chol** (Democratic People's Republic of Korea) rejected categorically, as political provocation, all accusations brought by the representative of the United States of America concerning the human-rights situation. His country's socialist system had been chosen by the population on the basis of their convictions. Since taking over, the Government of the Democratic People's Republic of Korea had never shirked its responsibilities and had always promoted the human rights of all inhabitants, particularly the right to life, seriously endangered by national division, political and military pressures, economic sanctions imposed by external entities and multiple natural disasters. The only human-rights violations committed in the Democratic People's Republic of Korea were the ones perpetrated against its population for more than 50 years by the United States of America through various means, including the use of nuclear threat. The crimes against humanity committed by the United States before, during and after the Korean War had no precedent in history and had marked forever the memory and spirit of the Korean people. Moreover, the United States had committed those atrocities in the name of the United Nations, one of whose cardinal principles was the defence of human rights. Far from defending the human rights of the population of small nations, the United States sought to smear the reputation of the Democratic People's Republic of Korea and to isolate that country, pretending to champion human rights, while they were their main violator. Instead of making false and hypocritical statements on the issue, the United States should rather think seriously about the crimes that they had committed in northern and southern Korea and for which they would be punished.

31. Replying to the statement of the Japanese delegation, the representative of the Democratic People's Republic of Korea wondered whether Japan would acquiesce in a designation (such as "Island State of Japan" or "Japanese Archipelago") comparable to the one that it expected the Democratic People's Republic of Korea to accept. Regarding the kidnap victims, Japan had made under the Pyongyang Declaration a commitment to send those persons back after a fifteen-day visit, but did not any longer seem ready to honour it, since the Japanese Minister of Foreign Affairs had recently affirmed to be even ready to make war against the Democratic People's Republic of Korea if the issue of the persons that had disappeared were not resolved. The population and army of the Democratic People's Republic of Korea believed that the Japanese attitude called into question the entire Pyongyang Declaration and required counter-measures. Any new insistence of Japan on that issue, regarding which the Democratic People's Republic of Korea had fulfilled all of its commitments, would bring the two countries to the brink of confrontation. Japan too should honour its promises to restore its credibility.

32. **Mr. Giraldo** (Colombia), addressing Norway's concerns over human rights in Colombia, stressed that the Colombian State was constantly improving the defence of the fundamental rights of all inhabitants. It implemented a security policy that was democratic and aimed, in the face of conflict, to protect all persons living in the national territory, regardless of class, profession, race, age, political conviction, religion or other attributes.

33. Almost all relevant indicators had improved in the first nine months of the year. The number of homicides, massacres, terrorist acts, attacks against the population and infrastructure, and killings of unionists, educators, native people and journalists had dropped, sometimes significantly.

34. Concerning illegal armed groups and violence against civilians, in particular by the United

Self-Defence Forces, an outlaw militia force, the efforts put forth by the Government and the armed forces had borne fruit: during the first nine months of the year, 2,134 members of that force had been arrested (138 per cent more than in the same period of the previous year) and 235 had surrendered (50 per cent more). The Colombian delegation did not wish to quote statistics during the meeting but could make further comparable figures available to Norway and the other Member States.

35. Deeply concerned over the deaths of unionists, educators, native people, journalists, local representatives and other Colombians, for which illegal armed groups were exclusively responsible, Colombia was all the more resolved to promote respect for human rights. The Colombian delegation knew that, when a country was beset by such a serious conflict and by such pitiless terrorist acts as those in which the guerrilla and the other illegal armed groups were engaged, it was difficult to demand or seek adequate solutions overnight and believed that the situation was improving and the efforts put forth by Colombia deserved recognition. In view of Colombia's valued cooperation with the United Nations, Mr. Uribe Vélez, President of Colombia, had requested the United Nations High Commissioner for Human Rights to maintain the HCHR office in Bogotá during his presidential term.

36. Colombia cordially invited Norway to ensure, as it did itself, continuous progress in the area of human-rights protection in that country.

37. **Ms. G./Mariam** (Ethiopia) exercised her right of reply under agenda item 117 (b) to refute the usual baseless allegations with which Eritrea annoyed the Committee.

38. The Eritrean delegation had dared to place the people of Ethiopia and Eritrea on the same level regarding the enjoyment of the rights to peace and development and of human rights. In that connection, the Ethiopian delegation would like to point out some facts. Ethiopia's commitment to sustainable peace was borne out by its full compliance with the Algiers Peace Agreement, signed on 12 December 2000, under which Ethiopia had released all Eritrean prisoners of war, concluded the Status of Forces Agreement with the United Nations Mission to Ethiopia and Eritrea (UNMEE) and accepted the Border Commission's decision, while maintaining its legal right to seek a legal and just implementation of that decision.

39. On the contrary, Eritrea had not signed the Status of Forces Agreement with the United Nations. In violation of the Peace Agreement and the Geneva Conventions, the Eritrean regime had concealed the whereabouts of 36 Ethiopian prisoners of war and had murdered Colonel Petros, an Ethiopian pilot, who had been brutally tortured and paraded in the streets of Asmara. After the signing of the Agreement, thousands of Ethiopian nationals residing in Eritrea had been subjected to reprisals, mob attacks and collective expulsion.

40. Eritrea's contempt for peace and human rights was also shown by the fact that it had forcibly conscripted 10 percent of its population, including Ethiopians, and gone to war with all of its neighbours within five years of its independence.

41. Eritrea's human-rights record was just as deplorable. Since 1991, when the Eritrean regime took power, the human-rights situation in Eritrea had deteriorated. The regime's repressive policy and country-wide reign of terror had claimed the lives of many Eritreans. As Amnesty International and Human Rights Watch reports indicated, the concepts of independent press, constitution, free elections, opposition and fundamental rights did not exist in Eritrea. Generalized repression targeted in particular ethnic minorities, human rights activists, democrats and journalists.

42. Lastly, Eritrea had the audacity to smear Ethiopia's clear track record in counter-terrorism, although Ethiopia had been fighting terrorist groups organized by the regime of Eritrea.

43. The Eritrean delegation should therefore be concerned about peace in its own country before criticizing other States.

44. **Mr. Tekin** (Turkey), replying to the usual accusations of the representative of Greece and leaving it to the Turkish Cypriot authorities to respond to statements by the Greek Cypriot speaker, stressed that the Cyprus problem had not started with the Turkish military intervention of 1974 but with the massacres perpetrated against Turkish Cypriots in 1963; that the United Nations Peacekeeping Force in Cyprus (UNFICYP) had been deployed in the island in early 1964 subsequent to those massacres; that between 1964

and 1974, Turkish Cypriots had been forced to live in enclaves within their own country; and that Turkey had been obliged to intervene in 1974 in order to prevent a military coup d'état supported by the Greek Government with a view to exterminating the Turkish Cypriots and annexing the island to Greece. Turkey hoped that in the future Greece would adopt a more objective and constructive attitude on the Cyprus issue, both in the Third Committee and elsewhere.

45. **Mr. Israfilov** (Azerbaijan) contested the statement made by the Armenian delegation on agenda item 117 (b) in the previous meeting. Azerbaijan took note of the reforms adopted by Armenia in the area of human rights and would follow closely the treatment of issues related to human rights and democratic institutions in its unfortunate neighbourhood, as long as a climate of hatred, aggressiveness and mistrust toward Azerbaijanis would exist in Armenia.

46. The way in which the Armenian delegation had referred to Armenian foreign policy in southern Caucasus – particularly the desire to link the elections that had taken place in Azerbaijan to the resolution of the conflict between the two countries – was a provocation. The statement of Mr. Oskanian, Armenian Minister, at the general debate of the General Assembly had been similar. Azerbaijan's – and Armenia's – position on the resolution of the conflict should not emanate from the elections but from the Security Council resolutions, which, whether Armenia liked it or not, expressed the will of the entire international community – not only Azerbaijan's. Those resolutions, which had not been fully followed up by acts, were still applicable, required the complete, immediate and unconditional withdrawal of all occupation forces from the occupied Azerbaijani territories and demanded that the territorial integrity of Azerbaijan should be respected. About one million refugees and displaced persons, violently expelled from Armenia and from the occupied Azerbaijani territories, were waiting impatiently the implementation of those resolutions by Armenia.

47. Under no circumstances would the current or any future Azerbaijani government change its position on the conflict or cede the slightest territory to the aggressor. All future governments would endeavour to restore the rights of their citizens and of the refugees resettled in Azerbaijani territory. Azerbaijan hoped that Armenia would eventually realize that.

48. Regarding the comments of the Armenian delegation on the legitimacy of elections that had been held in Azerbaijan in October 2003, the speaker might have taken note of those observations, if they had been made by a country with a long established democratic tradition. He would therefore disregard such comments until Armenia would recognize the current territorial boundaries of Azerbaijan and meet the long list of its unfulfilled obligations, including the afore-mentioned demands of the Security Council.

49. **Mr. Christofides** (Cyprus), replying to Turkey, said that he had heard without surprise its arguments, the same ones that had been repeated for years to every United Nations organ in an attempt to justify the 1974 invasion of Cyprus by the Turkish army. That propaganda no longer deceived anybody, especially in view of recent declarations by the Turkish Chief of Staff to the effect that Cyprus was a strategic location superior to eastern Turkey for air defence purposes and was therefore essential to the defence of the Turkish territory. Recent developments in the island, extensively described in the Secretary-General's report on the issue (S/2003/398), showed that the Turkish Cypriot side, supported by the Turkish Government under its expansionist military policy, was mainly responsible for the failure of negotiations. Cyprus's primary concern was compliance with international law. Moreover, the partial lifting of restrictions to freedom of movement in the island had shown that the Turkish Cypriots did not need Turkey's protection but availed themselves of the new possibility to meet Greek Cypriots, applied for passports of the Republic of Cyprus and in fact only wished to enjoy Cyprus's expected benefits from entering the European Union. Lastly, the representative of Cyprus protested against Turkey's abuse of its prerogatives as a Member State of the United Nations through the distribution of documents of the Turkish Republic of Northern Cyprus, an entity not recognized by the Security Council, or through the announcement of the distribution of such documents.

50. **Mr. Daratzikis** (Greece) expressed sympathy to Turkey for the wanton attacks on two Istanbul synagogues on 15 November 2003 and condemned energetically such abhorrent acts against innocent people. Replying to the statement made by the representative of Turkey with a view to diverting attention from the heavy responsibility of that country in the Cyprus issue by repeating well known and

unsubstantiated allegations against Greece, he recalled that the views that Turkey criticized had been repeatedly confirmed by the international community, Security Council and General Assembly resolutions and decisions of international judicial bodies, which had condemned Turkey's illegal military invasion of Cyprus and the systematic and collective violations of human rights and fundamental freedoms committed in northern Cyprus as a result of the military presence of Turkish troops in that part of the island. He regretted that, despite the various condemnations and the continuing efforts of the Secretary-General of the United Nations, Turkey persistently denied to implement the relevant United Nations resolutions adopted with a view to reaching a peaceful solution to the Cyprus question.

51. **Mr. Motomura** (Japan) failed to understand how the statements of a peaceful country like his could be interpreted as leading to confrontation and war according to the representative of the Democratic People's Republic of Korea. Mr. Kim Jong-Il had personally recognized his country's responsibility and apologized for the kidnappings, a serious crime, a violation of human rights and an illegal act with international consequences. Therefore, the Democratic People's Republic of Korea must allow the families of the kidnapped Japanese to travel as soon as possible to Japan and provide information on the fate of the persons not yet found.

52. **Mr. Tekle** (Eritrea), speaking in exercise of the right of reply, said that the representative of Ethiopia had made desperate but futile attempts to divert attention from the fact that, by rejecting the Algiers Agreement, her Government had become a threat to the peace and development that the people of Eritrea and Ethiopia were yearning for.

53. Ethiopia's rejection of that agreement had forced the Security Council to address a letter to the Ethiopian Prime Minister, requesting full implementation of the Algiers Agreement, compliance with the Boundary Commission's decision and cooperation with the Boundary Commission.

54. As the Secretary-General had personally confirmed, Ethiopians had pointed their weapons at UNMEE patrols on 5 August 2003 and entered the security zone in the Drum Drum Stream area on 9, 10 and 12 August 2003, refusing to leave despite repeated protests by UNMEE. On 21 February 2003, the Boundary Commission had reported that Ethiopia was failing to remove from Eritrean territory persons of Ethiopian origin; and on 8 March 2002, the Secretary-General had informed the Security Council that further clarifications on the land mines used were still expected from Ethiopia.

55. Ethiopian leaders, including the Prime Minister, had repeatedly declared that they would militarily resist any attempt to implement the Boundary Commission's final and binding decision. The most recent relevant example had been the letter of 19 September 2003, in which Ethiopia repudiated the Algiers Agreement.

56. The representative of Ethiopia had attempted to draw a line between the Algiers Agreement and the Boundary Commission decisions, but those two elements were linked, as the Secretary-General had stated in letters addressed to both parties.

57. The people of Eritrea and Ethiopia had been through untold hardship during the past half-century and were entitled to exercise their fundamental rights – the rights to life, peace and development. Both governments should therefore commit themselves to respect the rule of law and the other principles of the United Nations Charter and to accept the binding decisions of the arbitration commissions. Unfortunately, the Government of Ethiopia was oblivious to the abysmal condition of its people. Unfortunately too, the situation also affected Ethiopia's neighbours.

58. The Cessation of Hostilities Agreement provided for sanctions, under Chapter VII of the United Nations Charter, against the party that would not comply with and fully implement the final and binding decision of the Arbitration Commission. Accordingly, all well-meaning nations that wished that the people of both countries were ensured peace and development, that stability and normalcy were restored in the region, that the rule of law prevailed and that the United Nations Charter was upheld should take appropriate measures to ensure the implementation of the Boundary Commission decisions by Ethiopia.

59. **Ms. Kang Kyung-wha** (Republic of Korea) said that, notwithstanding the repeated references of the representative of the Democratic People's Republic of Korea to the "Korean people", which gave the impression that his statement covered the Korean people as a whole, her country in no way endorsed that

statement and rejected categorically all of the baseless accusations that it contained in relation to supposed incidents in its territory.

60. **Ms. Davtyan** (Armenia), replying to the statement just made by Azerbaijan, pointed out that Armenia's statement had contained no judgement, let alone criticism, but only preoccupation of a general character concerning the holding of the elections. Armenia had not at all questioned the legitimacy of the elections or of the authorities in Azerbaijan. The Azerbaijani delegation had perhaps reasons of its own or sufficient grounds to interpret Armenia's general statement the way it had and to draw the conclusions that it had drawn. It was disappointing to see the Azerbaijani delegation react defensively instead of adopting a rational attitude. Furthermore, the tendentious interpretations of the Security Council resolutions of 1993 were part of the same never-ending propaganda and Armenia consider that they deserved no reply, since it had already repeatedly stated its position on that issue.

61. **Mr. Israfilov** (Azerbaijan), replying to Armenia, quoted the relevant passage of the statement distributed and delivered by Armenia that morning: "2003 was indeed an election year and, in that connection, one should stress the importance of democratic, legitimate and transparent electoral processes, since their results should inevitably have a major impact on the negotiation and conflict-resolution processes." Much of the statement referred to the importance of a legitimately elected government to the resolution of the conflict between the two countries. The representative of Azerbaijan reiterated the conviction of his Government that the resolution of the conflict did not depend on the current elections in Azerbaijan, adding that it was not up to Armenia to reject the Security Council resolutions or declare them no longer applicable: they were still applicable and Azerbaijan would invoke them as long as Armenia did not implement them.

62. **Mr. Sin Song Chol** (Democratic People's Republic of Korea) said that he was shocked by the words of the representative of the Republic of Korea. By speaking on behalf of the Korean people as a whole, he had wished to reaffirm that Korea constituted one and the same nation. Further, all of the incidents that he had mentioned were ascertained facts known to the entire world and even to the people of the Republic of Korea. By denying them, the representative of the Republic of Korea had shown that she was a United States puppet.

63. **Ms. Davtyan** (Armenia), replying to Azerbaijan, said that it had once again shown that it interpreted and implemented the Security Council resolutions in a biased and selective way. It obstinately refused to acknowledge that Armenia had done exactly what the resolutions of the Security Council had required it to do: use its good offices with the authorities in Nagorny Karabakh with a view to seeking a peaceful solution to the conflict. Azerbaijan violated those very resolutions, which urged the parties concerned to continue negotiations under the peace process of the Minsk group, set up by the OSCE, and through direct contacts. Azerbaijan's refusal to enter into direct negotiations with Nagorny Karabakh's elected representatives was the main obstacle to the resolution of the conflict.

64. **Ms. Kang Kyung-wha** (Republic of Korea) was surprised that the representative of the Democratic People's Republic of Korea had taken the liberty to speak on behalf of the entire population of the Korean peninsula. She once again rejected his views and baseless accusations categorically.

65. **Mr. Sin Song Chol** (Democratic People's Republic of Korea) replied that, over and above national considerations, the facts mentioned were real and had been recognized by the international community. He warned the Republic of Korea that the consequences of its obstinacy for the current bilateral negotiations could be serious.

The meeting rose at 5.05 p.m.